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fessor Veblen's masterly book will find Gurewitsch comparatively weak in his grasp of principles but interesting on account of the significant facts he has gleaned from a very wide reading in ethnological literature.

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*Irrigation in the United States.* By FREDERICK HAYNES NEWELL.

New York: T. Y. Crowell & Co., 1902. 12mo, pp. vii + 417.

"HOMEMAKING is the object of this book," as stated by the author. The field for this work is the arid West, and the only means of its accomplishment is irrigation. The situation as stated by Mr. Newell is this: The arid region of the United States includes about two-fifths of its entire area, about five-sixths of this area being vacant public land. The total area of the arid and semi-arid public land is given as 892,000,000 acres, of which 458,000,000 acres is improved land, 6,300,000 acres of which is irrigated, with a water supply, assuming complete development and conservation, sufficient for irrigating 74,000,000 acres. The greater part of this water supply must come from surface streams. These streams are torrential in their flow, having a flood period in spring and early summer, followed by a low water period during the late summer. All the lands which can be easily reached by canals from these streams have been reclaimed and need for their irrigation the ordinary flow of the streams. Any considerable extension of the irrigated area, therefore, means the construction of large irrigation works, and the storage of the flood waters. The public lands are open to settlement under the homestead law, but cannot be farmed until a water supply is obtained, and the expense of this is far beyond the reach of the ordinary settler.

It is for the interest of the public at large and the nation to have all these good agricultural lands utilized, and the question arises, Who is to make it possible for the settler to occupy them? This is a question which, if satisfactorily answered, must be by the lawmakers of the nation, and for this purpose, they, as well as the thinking public, should be in possession of the facts.

The task which Mr. Newell sets for himself is the furnishing of these facts, together with such further facts as will enable the settler to

make the best use of the land and water when the three of these have been brought together. It is in the light of this announced purpose that the book must be judged.

As a general description of the West, and the agricultural situation in that section, the book is good, but the farmer or lawmaker who turns to it for definite information on any subject will meet with disappointment. Almost the only figures given, those quoted above, are estimates, and the one of the greatest importance—the area for which the water supply can be made available—is liable to an error of thirty or forty million acres. The farmer or canal builder who wishes to know how much water to provide for his land, or how much land he can cultivate with a given water supply, finds an estimate of what is used in southern California, a section which is exceptional in every way, and the general statement that for good farming in other sections twelve inches of water during the crop season should be sufficient, a statement which is not borne out by the published measurements made by the United States Department of Agriculture, which are entirely ignored in this discussion, nor by the published reports of Mr. W. Irving, who is quoted on this point.

If works are constructed or contracts made on the basis of a depth of twelve inches of water on the land to be reclaimed, either the company constructing the canal will be disappointed in not reclaiming as much land as originally planned, or the farmers will be ruined by trying to farm with an insufficient water supply, and with their ruin will come the ruin of the whole enterprise. Exactly this mistake has occurred in large enterprises, with the results just indicated. This question has also an important bearing on the government construction of irrigating works, as recommended in the final chapter of the book. If the government constructs a canal or reservoir and disposes of water rights on a basis of twelve inches for the lands sold, the settlers cannot make a living and will be worse off than if nothing had ever been done for them.

Mr. Newell's comment on his discussion of the quantity of water needed—"broad statements of this kind are merely suggestive and not to be followed as rules"—applies to his whole discussion of both agriculture and engineering. Read as suggestions they are for the most part good, but read for the purpose of finding a rule to go by, which is what the prospective farmer needs, they are too general and sometimes misleading, as the one just referred to.

The weakest point in the book is the chapter on irrigation law, where the "lawmaker," on whom is laid the responsibility of making homes in the West, naturally turns for light. It neither gives a general view nor a detailed discussion, but rather states or misstates a few general principles.

The first principle discussed is that of beneficial use, which is represented as being firmly established by "court decisions."

The fundamental principle is that beneficial use is not only the foundation and basis of the right (to the uses of water), but likewise the measure and the limit thereof.

This is undoubtedly a recognized principle in irrigation law, but it is a principle of *law* which is almost uniformly neglected by the courts, which have granted rights, in many cases, to more water than the canals can carry, or the streams furnish, regardless of what has been used beneficially. These excessive decrees have an important bearing on the government construction of storage reservoirs recommended by Mr. Newell. It is recommended that these reservoirs be constructed and the water turned into the streams to be used under existing rights. On many streams the existing rights as decreed by the courts far exceed their entire flow, and in case water is stored and turned into these streams it will be taken up by the canals having these decrees and go to enrich their owners rather than to make homes for the people. The law of beneficial use, if enforced, would remove this objection, as it would cut down these excessive decrees.

The next subject discussed is the law of riparian rights, which is in force in several of the arid states. The rights of riparian owners in these states are summed up as follows: "Riparian rights can be enforced only for the protection of the beneficial use to which the water has been put by the riparian owner" (p. 290). If this is a true statement of the law it in no way differs from the law of "appropriation," which is considered to be its opposite. But the law is not correctly stated. The riparian owner has a right to a reasonable use of water for irrigating his riparian lands, which right "use does not create" and "disuse does not destroy," and of which he can be deprived only on compensation.

The law of "priorities" next receives attention:

In theory, at least, the man who first irrigated ten acres should continue indefinitely to have enough water for his ten acres, while the man who next irrigated twenty acres can have sufficient water for his area only when it is

apparent that the first man can also have his share, and so on, each person receiving an amount of water sufficient for the needs of his cultivated tract in the order in which this was put under irrigation (p. 291).

In discussing this subject the author opposes this doctrine of priorities and sums up his objections as follows: "Ten men should not be deprived of the life-giving fluid to satisfy the claims of a single individual. If water were a property in the sense of land, this consideration could not arise." Fundamentally there is no more reason why one man or a group of men should be allowed the ownership of all the arable land in a district to the exclusion of ten times as many others, than that one man should be allowed the exclusive use of a given quantity of water. The reason for a property right and its protection in one case is the same as in the other. In the West both land and water were the property of the general government and the laws for their disposal are essentially the same. Under the homestead law the settler occupies a piece of land five years and thereby gains title; under the law of appropriation the settler takes the water from the stream and by the act of taking obtains title. In both cases there have been great abuses, but no more in water rights than in land titles, and there is no more reason for protection in one case than the other. A strict enforcement of priorities has many disadvantages; but Mr. Newell presents but one side of the picture when he favors dividing the water regardless of priorities. One man settles on a stream and irrigates his farm, another comes and does the same and so on until the flow of the stream is all taken up. Assuming that these settlers use the water economically any further division of the supply means taking a little from the value of the farm of each of the settlers and giving it to the newcomer, and continued far enough deprives the whole community of any beneficial use of the water, because while each one gets some water no one gets enough to be of any use. In response to just such conditions the doctrine of priorities has become firmly established. Justice certainly demands that the first settler should not be robbed of the "life-giving fluid," which has enabled him to make a home, in order that those who come later may make new homes by ruining his. The same reasoning which would do away with priorities — that others could make a better use of the water — would apply equally well to any other classes of property which are not being used in such a way as to produce the greatest good to the greatest number, especially to land,

The discussion of irrigation law ends with a statement that public records of water rights are extremely defective as regards the various claims and times of appropriation, and a criticism of the Wyoming law, under which existing rights are a matter of record, and new rights can only be established upon application to state authorities. The conclusion is reached "that it is preferable to allow developments to proceed under existing laws and customs . . . rather than to attempt to bring about ideal conditions (referring to the Wyoming law), whose success depends largely upon an ideal administration." In preceding chapters great stress is laid upon the necessity of knowing the quantity of water which a stream furnishes before beginning the construction of canals or reservoirs, but the more important fact, how much *unappropriated* water the stream carries, is entirely lost sight of. In but two states, Nebraska and Wyoming, is there any provision for a complete public record of the flow of streams and the rights which have been acquired to that flow, and Mr. Newell takes occasion to criticise this system whenever he mentions it (pp. 110, 111, 298). That is to say, when a reservoir site is found, the important question regarding its utilization is whether the stream above that point furnishes enough water to fill it, and it is of no importance in his opinion if the right to use the entire flow of the stream is already held by parties below the reservoir site. As a matter of fact, the result for the builder of the reservoir is the same whether the water is not there, or must be allowed to flow by for the use of others. In either case the water does not exist so far as he is concerned. In no states but those mentioned is there any public authority to whom the prospective investor in irrigation works can apply and find out whether there is water in the stream subject to appropriation. He must build his works and then fight out in the courts the right to use them. The latter method is preferable, according to Mr. Newell.

The final conclusions reached are quoted from the president and secretary of the interior :

Great storage works are necessary to equalize the flow of streams. Their construction has been conclusively shown to be an undertaking too vast for private effort, nor can it be best accomplished by the individual states acting alone. It is properly a national function, at least in some of its features. . . .

The reclamation of the unsettled and public lands presents a different problem. Here it is not enough to regulate the flow of the streams. The object of the government is to dispose of the land to settlers who will build

homes upon it. To accomplish this object water must be brought within their reach. . . . These irrigation works should be built by the national government. . . . The distribution of the water, the division of the streams among irrigators, should be left to the settlers themselves, in conformity with state laws and without interference with these laws or with vested rights (pp. 294, 295).

Further progress in irrigation can come only through the storage of flood waters in reservoirs, and nearly all of this work is absolutely impossible without government aid.

The conclusion refers wholly to the duty of the nation's law making. The mission of the book is stated to be the furnishing of facts necessary for the intelligent handling of the question by those law-makers. Does it fulfil this mission?

First, as to the conclusion that storage works are necessary for the extension of the irrigated area. These facts are given in a general way.

Second, as regards the necessity for government aid. This must be taken on authority. The fact that the work has not been done is fully set forth, but the reason for this is nowhere brought out. Some irrigation companies have failed, but no examination has been made as to the causes of these failures, nor inquiry as to whether private corporations, by learning from the mistakes of the past and studying carefully all conditions, can do the work. Both reservoir and canal construction are being carried on by private parties, which goes to show that not all further progress is "impossible without government aid."

Third, as to the results of government construction. The plan recommended is that the water made available be distributed under the existing state laws and regulations. The lawmaker might want to know what these laws and regulations are; what would become of the water when stored; how title to its use could be established; whether rights had already become vested which would absorb all the water; whether it would be used to make existing homes more valuable, or to create new homes; whether, under existing state laws, the water might be monopolized by individuals or corporations who would levy unreasonable rates for its use. In fact, these are most important questions, and none of them can be satisfactorily answered from the information given, even if it were all correct. Again, the lawmaker will undoubtedly want to know what opportunity exists in his own state, or perhaps in his own district, for the expenditure of govern-

ment money in irrigation works. Here again he would find only general statements of well known facts.

To sum up, the book begins with the announcement of a purpose, which is not carried out, and ends with a conclusion which, while it may be good, is not led up to nor supported by anything in the book. Outside of the discussion of irrigation law, most of which is incorrect or misleading, the book contains nothing which has not been published repeatedly by the government or by private parties. This in itself is not a fault, if the facts were presented in such a way as to give any new light on the question of the reclamation of the arid West, but there is an entire lack of any summing up of the material presented, and no apparent effort to present a complete logical discussion of the subject.

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RAY P. TEELE.

*L'utilité sociale de la propriété individuelle.* By ADOLPHE LANDRY.

Paris: Société nouvelle de librairie et d'édition, 1901. 8vo, pp. xii + 511.

NO ONE any longer believes that the possibilities of a "scientific" statement of the claims of socialism have been exhausted by the exploitation of the labor theory of value and the materialistic conception of history. The passing of the Ricardian theory of distribution, with which the older socialistic doctrine was so closely connected, and the growth of a less mechanical conception of economic processes have opened the doors for a new set of socialistic theories. More than one book has appeared within the last few years in which the theoretical equipment of the modern economist has been used in advocating the program of socialism. M. Landry's work is of this class. The concepts of contemporary economics are handled with a certainty of touch which shows wide reading and careful thought. The purpose of the book is to show those conflicts between the interests of individuals and those of society which are inseparable from the system of private property. That such conflicts exist has been admitted by all economists except optimists of the Bastiat type, but M. Landry's treatment is the most thorough with which I am acquainted.

Starting from the standpoint of production and measuring productivity in terms of utility, M. Landry points out that self-interest often prompts an owner of productive agents to limit production with the purpose of gaining a larger revenue. The classical example of this